

## Interview Summary

Application No.

10/643,252

Applicant(s)

STELMACH, JOHN

Examiner

Gary Estremsky

Art Unit

3676

All participants (applicant, applicant's representative, PTO personnel):

(1) Gary Estremsky.

(3) \_\_\_\_\_.

(2) Bill Wright.

(4) \_\_\_\_\_.

Date of Interview: 22 July 2004.

Type: a) ☐ Telephonic b) ☐ Video Conference  
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: pending.

Identification of prior art discussed: prior art of record.

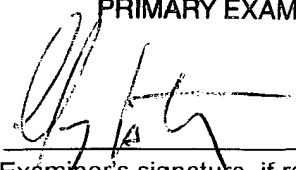
Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr Wright provided a proposed amendment that appears to place the claims into condition for allowance based upon issues raised in the previous Office Action..

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

GARY ESTREMSKY  
PRIMARY EXAMINER

  
Examiner's signature, if required

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **John Stelmach**  
Serial No.: 10/643,252  
Filed: August 19, 2003  
Group Art Unit: 3676  
Examiner: Gary Estremsky  
For: **Door Stop and Holder Apparatus**

**PROPOSED AMENDMENT**

**MAIL STOP NON-FEE AMENDMENT**

Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the content of the outstanding Office Action dated June 16, 2004, and a personal interview conducted on July \_\_\_\_\_, 2004, with Patent Examiner Gary Estemsky, please amend the above identified pending patent application as follows:

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**CERTIFICATE OF MAILING 37CFR § 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: **MAIL STOP NON-FEE AMENDMENT, COMMISSIONER FOR PATENTS, PO Box 1450, Alexandria, VA 22313-1450** on

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Ann C. Montoya

Date: \_\_\_\_\_

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**IN THE CLAIMS**

Claim 1. (Currently Amended) A door stop and holder apparatus for doors wherein, the apparatus comprises

a door stop unit including a generally wedge shaped stop member having an enlarged end and a tapered end; and,

a holder unit including a hollow holster member dimensioned to receive and support a portion of the tapered end of the stop member; :

a tether member the opposite ends of which are connected to the holster member and the stop member; and,

means for attaching the holster member to a vertical surface such as a door.

Claim 2. (Original) The apparatus as in claim 1; further including a tether member the opposite ends of which are connected to the holster member and the stop member.

Claim 3. (Original) The apparatus as in claim 1; wherein, the stop member is fabricated from a hard rubber material.

Claim 4. (Canceled)

Claim 5. (Canceled)

Claim 6. (Canceled)

Claim 7. (Original) The apparatus as in claim 3; further including means for attaching the holster member to a vertical surface such as a door.

Claim 8. (Canceled)

Claim 9. (Original) The apparatus as in claim 1; wherein, the holster member is provided with at least one hollow receptacle element.

Claim 10. (Original) The apparatus as in claim 9; further including a bumper member formed of deformable resilient material wherein, a portion of the bumper member is dimensioned to be received in said at least one receptacle element.

Claim 11. (Original) The apparatus as in claim 1; wherein, the holster member is further provided with a pair of hollow receptacle elements.

Claim 12. (Original) The apparatus as in claim 11; further including an elongated bumper member having opposite ends that are dimensioned to be received in said pair of receptacle elements.

Claim 13. (Canceled)

Claim 14. (Canceled)

Claim 15. (Canceled)

Claim 16. (Canceled)

Claim 17. (Currently Amended) A holster unit for use in combination with a conventional door stop having a ~~sedge~~ wedge shaped configuration wherein, the holder unit comprises

a hollow generally wedge shaped holster member having a rear face provided with means for attaching the holster member to a door surface; wherein, the holster member is further provided with a pair of hollow receptacle elements.

Claim 18. (Canceled)

Claim 19. (Canceled)

Claim 20. (Canceled)

Claim 21. (Currently Amended) The holder unit as in claim 20 17; further including an elongated bumper member having opposite ends that are dimensioned to be received in said pair of receptacle elements.

Claim 22. (Original) The holder unit as in claim 17; wherein, the hollow holster member has an opening that is substantially smaller than the external periphery of the largest end of the wedge shaped stop member.

**REMARKS**

Based on the foregoing situation, it is sincerely believed that the claims as now presented clearly define patentable subject matter; and, a formal Notice of Allowance based thereon is earnestly solicited.

Respectfully submitted,  
John Stelmach, Applicant

By \_\_\_\_\_  
William H. Wright  
Reg. No. 26,424

Dated: \_\_\_\_\_

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